

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Morteza KALHOUR)	Group Art Unit: 2155
)	
Serial No. 09/814,182)	Examiner: Shawki Saif Ismail
)	
Filed: March 22, 2001)	Docket No. 006917.00003
)	
For: COMMUNICATION METHOD, A)	Confirmation No. 2816
NETWORK AND A TERMINAL USING)	
SAID METHOD)	

**REQUEST FOR RECONSIDERATION OF
DECISION ON PETITION TO
WITHDRAW HOLDING OF ABANDONMENT**

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

This paper is responsive to the Decision on Petition to Withdraw Holding of Abandonment mailed March 22, 2007. Applicant has two months (i.e., until May 22, 2007) to file this paper without incurring an extension of time. Accordingly, it is believed that no fees are due in connection with this paper. Nonetheless, should any fees be due, please charge them to our Deposit Account No. 19-0733. In addition, any extensions of time needed for entry or acceptance of this paper are hereby requested.

The undersigned thanks Examiner Brian Johnson for taking the time to discuss the Decision by telephone. Based on that discussion, it is believed that the present paper is responsive to the Examiner's concerns underlying the Decision.

As part of this paper, Applicant submits herewith a Declaration Pursuant to 28 U.S.C. §1746 for Response to Decision on Petition to Withdraw Holding of Abandonment ("Declaration"), signed by registered practitioner Donald E. Stout, along with copies of docketing records dated February 21 and 22, 2005.

Applicant understands that the Examiner alleges four main issues underlying the Decision:

- (A) that the petition filed August 26, 2005, did not literally state that the “file jacket” was searched;
- (B) that the copy of the docket record included with the petition did not indicate that it was for the address of record;
- (C) that the case detail report portion of the docket record did not include a docket number matching the USPTO records; and
- (D) that the docket record was for non-business-day entries.

The petition filed August 26, 2005, is of record, and is further hereby incorporated by reference as to its entirety. Applicant now addresses each of these four issues in turn.

(A) Alleged Issue: That the petition did not literally state that the “file jacket” was searched.

As stated in the Declaration included herewith, the petition involved review by Donald Stout of the file jacket and the docket records. Accordingly, it is submitted that this issue is now resolved.

(B) Alleged Issue: That the copy of the docket record did not indicate it was for the address of record.

As stated in the Declaration included herewith, the copy of the docket record as submitted was at the address of Donald Stout, to which communications were directed at that time. Accordingly, it is submitted that this issue is now resolved.

(C) Alleged Issue: That the case detail report portion of the docket record did not include a docket number matching the USPTO records.

It is respectfully submitted that neither the rules nor the MPEP, including section 711.03(c), require that the docket record specifically include a docket number matching the USPTO records. Nonetheless, the submitted case detail report correctly sets forth the serial number, priority date, filing date, inventorship, and assignee of the application. These five pieces of information together are sufficient to uniquely and accurately identify the application.

Incidentally, it is the experience of the undersigned that the USPTO attorney docket number records are often unreliable. In the present case, the USPTO PAIR records still do not reflect the current attorney docket number of 006917.00003.

(D) Alleged Issue: That the docket record was for non-business-day entries.

As stated in the Declaration included herewith, Donald Stout's firm's manual docketing records docket *only* the end of the statutory period due date which, for the Office Action in question, was Sunday, February 20, 2005. As the Declaration states, even if the Office Action were received, the firm's policy would have been to *only* manually docket the actual end of statutory due date of February 20, 2005. There simply would not have been any manual docketing entries for February 21 or 22, and so it is submitted that it is unnecessary to provide any other dates from the docket entries.

Nonetheless, at the request of the Examiner, submitted with the Declaration are the manual docketing records of Donald Stout's firm for Monday, February 21, 2005, as well as Tuesday February 22, 2005. As can be seen, the Office Action in question is not referenced on either of these docketing pages.

Conclusion

It is respectfully submitted that all issues alleged by the Examiner have been sufficiently addressed, and that all requirements have been met under MPEP 711.03(c) to withdraw abandonment of this application. Withdrawal of abandonment is therefore respectfully requested.

Respectfully submitted,

Dated: May 10, 2007

By: /Jordan N. Bodner/
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Registration No. 42,338

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Morteza KALHOUR
Serial No.: 09/814,182
Filed: March 22, 2001
For: COMMUNICATION METHOD, A NETWORK
AND A TERMINAL USING SAID METHOD
Art Unit: 2155
Examiner: Shawki Saif Ismail

**DECLARATION PURSUANT TO 28 U.S.C. §1746 FOR
RESPONSE TO DECISION ON PETITION TO
WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Donald E. Stout, hereby declare as follows:

(1) This Declaration is in response to the March 22, 2007 Decision on
Petition to Withdraw Holding of Abandonment under 37 C.F.R. §1.181.

(2) The March 22, 2007 Decision has denied Applicant's Petition of
August 26, 2005 for failure to include a statement that the file jacket and the docket
records were searched and that the docket records previously submitted were at the
undersigned's firm.

(3) The August 26, 2005 Petition signed by the undersigned involved review
by the undersigned of the file jacket and the docket records of the above-referenced
application and further, the copy of the docket record as submitted was at the

undersigned's address to which communications of the above-referenced application were directed at that time.

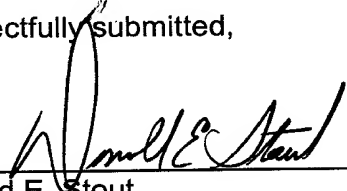
(4) The undersigned's firm's manual docketing records only docket the end of statutory period due date which, in the above-referenced application for the August 20, 2004 Office Action in question was Sunday, February 20, 2005. A copy of the February 20, 2005 entry was previously supplied. Also, at the request of the Examiner, submitted herewith are the manual docketing records for Monday, February 21, 2005, which was the National holiday of President's Day, and the manual docketing records for the following business day, February 22, 2005.

Even if the above-referenced August 20, 2004 Office Action was received, the firm's policy would have been to only manually docket the actual end of statutory period due date of February 20, 2005. Therefore, there would not have been any manual docketing entries for February 21st and February 22nd if an Office Action dated August 20th was received.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Executed: May 10, 2007



Donald E. Stout
Registration No. 26,422
(703) 312-6600

424 2707 ADE	"RHS"	Response	RJS Foreign
520 43328 x 10	PAZAR	FILE SA	WIS 2/22
520 49227 x 10	MODIS HIR	FILE SA	WIS 2/22
503 35255 VX2	AOIB	FILE DIV	WAS

2/22/05
MK

01-4478-00	Hilbert Ltd	31030928001	1600pp	GEM 2/18
00-4478-00	Commun	103103-012F	1600pp	PSS 2/18

FILING LATE

TUESDAY

22

FEBRUARY

sign
1/22
4/22

501.45112002	TACHIBANA	668,838	CA	IF/RS	WIS 2/22
506.40760000	YOSHURA	925,160	IF/RS	CA	2/22
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500.43005000	YUASAKI	641,123	IF/RS	CA	2/22
501.38201002	FUSTURARA	681,173	IF/RS	CA	2/22
500.42870000	YACUBA YASAI	621,111	IF/RS	CA	2/22
1030.39583000	OSMAN	780,392	IF/RS	CA	2/10
500.40547002	YTOA	790,023	IF/RS	CA	2/22
500.39778000	FUSTWICK	826,887	IF/RS	CA	2/2
101.41056000	STICKLER	101,059	IF/RS	CA	2/2
072.39681000	FACEND	990,329	IF/RS	CA	2/22
072.39735000	LB	530,689	IF	CA	2/22
501.41441000	SATO	102,910	IF/RS	CA	2/22
500.39222002	YOBAYASAI	641,741	IF/RS	CA	2/22
500.41606000	SHIBUYA	117,018	IF/RS	CA	2/22
500.35000000	SUDO	026,748	IF/RS	CA	2/22
501.45706000	IS	015,222	IF/RS	CA	2/22
619.41111001	PERMUTED TO GENIVE	WIS	GOING LATE	2/22	
502.37060001	CHUICHI	026,798	CA	MAK TRANS	
520.41735000	SPS	WIS	GOING LATE	2/22	
500.38259000	KIMURA	CA	CA	2/22	
502.32647009	CHIPPED	004,823	AMEND CLAIMS	CA	
501.37940000	FUKUDA	701,423	AMEND CLAIMS	WIS	2/8

2/22/05
MK

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500.41720000	ADAMURA	W2192-012F	WIS	2/22
500.41781000	ADAMURA	W2194-012F	WIS	2/22
500.41783000	ADAMURA	W2195-012F	WIS	2/22
500.41785000	ADAMURA	W2196-012F	WIS	2/22
500.41787000	ADAMURA	W2197-012F	WIS	2/22
500.41789000	ADAMURA	W2198-012F	WIS	2/22
500.41791000	ADAMURA	W2199-012F	WIS	2/22
500.41793000	ADAMURA	W2200-012F	WIS	2/22

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